

ESTTA Tracking number: **ESTTA758105**

Filing date: **07/13/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

Name	Sora Technologies, LLC
Granted to Date of previous extension	07/16/2016
Address	9011 North University Peoria, IL 61615 UNITED STATES
Attorney information	Jonathan LA Phillips Shay Phillips, Ltd. 456 Fulton Street Suite 255 Peoria, IL 61602 UNITED STATES jphillips@shay-law.com Phone:3094946155

### Applicant Information

Application No	86799947	Publication date	05/17/2016
Opposition Filing Date	07/13/2016	Opposition Period Ends	07/16/2016
Applicant	Sora Medical Solutions 10530 Riggs Drive Overland Park, KS 66212 UNITED STATES		

### Goods/Services Affected by Opposition

Class 009. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Medical software for use in the medical field for diagnosis, discernment of etiology and enactment of treatment for medical patients; medical software for supporting physician decisions related to medical treatment
Class 042. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Automated services, namely, software as a service (SAAS) services featuring software for medical diagnostic care coordination for diagnosis, discernment of etiology and enactment of treatment for medical patients; automated services, namely, software as a service (SAAS) services featuring software for medical diagnostic care coordination for supporting physician decisions related to medical treatment

### Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
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### Marks Cited by Opposer as Basis for Opposition

U.S. Registration	4105178	Application Date	06/28/2011
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No.			
Registration Date	02/28/2012	Foreign Priority Date	NONE
Word Mark	SORA TECHNOLOGIES		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 042. First use: First Use: 2009/10/16 First Use In Commerce: 2009/12/30</p> <p>Computer hardware and software consulting services; Computer monitoring service which tracks hardware performance and processes and sends out historical reports and alerts; Computer network design for others; Computer programming and software design; Computer security consultancy; Computer services, namely, computer system administration for others; Computer services, namely, data recovery services; Computer services, namely, remote and on-site management of information technology systems of others; Computer systems analysis; Computer technical support services, namely, 24/7 service desk/helpdesk services for IT infrastructure, operating systems, database systems, and web applications.; Computer virus protection services; Consulting services in the field of design, selection, implementation and use of computer hardware and software systems for others; Online computer services, namely, providing spam filtering services to protect websites and online applications from receiving unsolicited messages; Recovery of computer data; Remote computer backup services; Technical advice relating to operation of computers; Technical support services, namely, troubleshooting in the nature of diagnosing computer hardware and software problems; Technological planning and consulting services in the field of computer hardware systems</p>		

U.S. Registration No.	4882484	Application Date	07/31/2014
Registration Date	01/05/2016	Foreign Priority Date	NONE
Word Mark	SORA		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 042. First use: First Use: 2015/04/20 First Use In Commerce: 2015/04/20</p> <p>Computer hardware and software consulting services; Computer monitoring service which tracks hardware performance and processes and sends out historical reports and alerts; Computer network design for others; Computer programming and software design; Computer security consultancy; Computer services, namely, computer system administration for others; Computer services, namely, data recovery services; Computer services, namely, remote and on-site management of information technology systems of others; Computer systems analysis; Computer technical support services, namely, 24/7 service desk/helpdesk services for IT infrastructure, operating systems, database systems, and web applications; Computer virus protection services; Consulting services in the field of design, selection, implementation and use of computer hardware and software systems for others; Online computer services, namely, providing spam filtering services to protect websites and online applications from receiving unsolicited messages; Recovery of computer data; Remote computer backup services; Technical advice relating to operation of computers; Technical support services, namely, troubleshooting in the nature of diagnosing computer hardware and software problems; Technological planning and consulting services in the field of computer hardware systems</p>		

Attachments	2016.07.13 Notice of Opposition (final ).pdf(106125 bytes )
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## Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Jonathan LA Phillips/
Name	Jonathan LA Phillips
Date	07/13/2016

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Trademark Application Serial No. 86/799947

Published in the Official Gazette of May 17, 2016

Filed: July 13, 2016

Mark: SORA MEDICAL SOLUTIONS

SORA TECHNOLOGIES, LLC,	)	
	)	
Opposer,	)	
	)	
v.	)	Opposition No: _____
	)	
SORA MEDICAL SOLUTIONS,	)	
	)	
Applicant	)	


**NOTICE OF OPPOSITION**

Sora Technologies, LLC, (“Opposer”), an Illinois Limited Liability Company, believes that it will be damaged by the registration of the mark shown in Application Serial No. 86/799947 in International Classes 9 and 44. Accordingly, it opposes the same. The grounds for opposition are as follows:

1. SORA MEDICAL SOLUTIONS, LLC (“Applicant”) is a Kansas Limited Liability Company. According to the Kansas Secretary of State, its registered office is 22201 West Innovation Drive in Olathe, Kansas.
2. According to records at the Kansas Secretary of State’s Office, Applicant’s name was JHAT Medical Software LLC prior to September 25, 2015, notwithstanding Opposer’s registrations described below.
3. Just over a month after changing its name, the Applicant filed its application to register the mark SORA MEDICAL SOLUTIONS. As amended, the application seeks registration in Classes 9, 42, and 44 for the following goods and services.

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- a. In Class 9, for Medical software for use in the medical field for diagnosis, discernment of etiology and enactment of treatment for medical patients; medical software for supporting physician decisions related to medical treatment;
  - b. In Class 42, for Automated services, namely, software as a service (SAAS) services featuring software for medical diagnostic care coordination for diagnosis, discernment of etiology and enactment of treatment for medical patients; automated services, namely, software as a service (SAAS) services featuring software for medical diagnostic care coordination for supporting physician decisions related to medical treatment; and
  - c. In Class 44, for Medical Services.
4. Applicant's filed an intent to use application under § 1(b) of the Trademark Act. It has not alleged first use.
5. Well before the filing date of the subject application, Opposer has engaged in and provided a wide variety of services in under its registered and common law marks. In particular, Opposer has been using the word SORA to identify its software and information technology services for years, well before the Applicant switched its name and filed its intent to use application.
6. Particularly, Opposer is the owner of the following two trademark registrations (collectively, the "Registered Marks"). Opposer will rely upon these registrations.

Mark	Reg. No.	Goods & Services
 ("SORA TECHNOLOGIES")	4105178	[Class 42] computer hardware and software consulting services; Computer monitoring service which tracks hardware performance and processes and sends out historical reports and alerts; Computer network design for others; Computer programming and software design; Computer security consultancy; Computer services, namely, computer system administration for others; Computer services, namely, data recovery services; Computer services, namely, remote and on-site management of information technology systems of others; Computer systems analysis; Computer technical support services, namely, 24/7 service desk/help desk services for IT infrastructure, operating systems, database systems, and web applications.; Computer virus protection services; Consulting services in the field of design, selection, implementation and use of

		computer hardware and software systems for others; Online computer services, namely, providing spam filtering services to protect websites and online applications from receiving unsolicited messages; Recovery of computer data; Remote computer backup services; Technical advice relating to operation of computers; Technical support services, namely, troubleshooting in the nature of diagnosing computer hardware and software problems; Technological planning and consulting services in the field of computer hardware systems
SORA	4882484	[Class 42] Computer hardware and software consulting services; Computer monitoring service which tracks hardware performance and processes and sends out historical reports and alerts; Computer network design for others; Computer programming and software design; Computer security consultancy; Computer services, namely, computer system administration for others; Computer services, namely, data recovery services; Computer services, namely, remote and on-site management of information technology systems of others; Computer systems analysis; Computer technical support services, namely, 24/7 service desk/help desk services for IT infrastructure, operating systems, database systems, and web applications; Computer virus protection services; Consulting services in the field of design, selection, implementation and use of computer hardware and software systems for others; Online computer services, namely, providing spam filtering services to protect websites and online applications from receiving unsolicited messages; Recovery of computer data; Remote computer backup services; Technical advice relating to operation of computers; Technical support services, namely, troubleshooting in the nature of diagnosing computer hardware and software problems; Technological planning and consulting services in the field of computer hardware systems

7. Registration of Opposer's Registered Marks is valid, subsisting, and conclusive evidence of Opposer's exclusive right to use its Registered Marks in commerce concerning the goods and services specified in said registrations.

8. In addition to Opposer's Registered Marks, Opposer will rely upon its common law usage of SORA related marks for various services, including those identical or incredibly similar to those the Applicant seeks to cover with its sought registration.

9. Opposer is well known to the consuming public. The goods and services it offers in association with its Registered and common law marks are such that the consuming public will likely believe it to be the origin of those goods and services.

10. Since the date of Opposer's registrations, the Marks have been used continuously in interstate commerce.

11. Opposer has acquired substantial good will in its marks through their use to distinguish its services from other services of the same type.

12. Since Opposer's initial use of its Registered Marks, Opposer has made substantial investment in marketing and promoting its services under those marks. It has extensively used, advertised, promoted and offered its services in association with its Registered Marks. Accordingly, the public associates SORA and SORA TECHNOLOGIES with Opposer.

13. Applicant's proposed registration sounds phonetically similar to Opposer's Registered Marks.

14. Applicant's application seeks registration of SORA MEDICAL TECHNOLOGIES, which appears and is spelled similar to Opposer's Registered Marks, in that the word SORA is common between them all.

15. SORA is the dominant word of SORA MEDICAL TECHNOLOGIES, with MEDICAL TECHNOLOGIES being merely descriptive. Accordingly, the consuming public will focus on the word SORA.

16. Likewise, SORA is the dominant portion of the SORA TECHNOLOGIES Registered Mark.

17. SORA is the only portion of the mark for the SORA Registered Mark.

18. Thus, the important part of all marks, SORA, is identical.

19. Applicant's mark is applied to services that are the same as many of Opposer's services. Thus and services of Applicant could be confused by consumers as originating from Opposer. For example, Applicant seeks registration for certain software in Class 9 and software as a service services in Class 42. Opposer's Registered Marks cover the same or incredibly similar services. Opposer uses its common law marks in commerce in order to identify it as the source of the same or incredibly similar services as those Applicant seeks to register for.

20. The Registered Marks and applied for mark are similar enough that a consumer may mistakenly purchase the services of the Applicant believing they are services originating from the Opposer. Thus, there is a potential to confuse, mislead, and deceive the consuming public as to the source or origin of Applicant's services.

21. Registration of Applicant's trademark will result in damage to Opposer's marks and Opposer's business.

22. If Applicant is allowed to register its mark for its services as specified in the application for Classes 9 and 42, such use and registration could result in confusion in the trade because of the similarity of sound and appearance between the Registered Marks and applied for mark. This would damage Opposer as its business could be lost. Moreover, any defect, objection, or fault found with Applicants services marketed under the SORA MEDICAL SOLUTIONS mark may reflect upon and injure the reputation that Opposer has established for its services under the Registered Marks.

23. If Applicant is granted its sought registration, it would gain at least a *prima facie* exclusive right to the use of its mark. This would further damage the Opposer.



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24. In light of the foregoing, Applicant is not entitled to federal registration of its claimed mark because Applicant does not have a right to exclusive use of said mark in commerce on its services. Further, Applicant's claimed mark cannot function to identify its services and distinguish them from services offered by Applicant.

WHEREFORE, Opposer respectfully requests that the registration sought by the Applicant be refused and the Opposition sustained.

The fee required under 37 C.F.R. § 2.6(17) is enclosed.

All correspondence and telephonic communications should be directed to:

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DATED: July 13, 2016

Respectfully submitted

/Jonathan LA Phillips/  
Jonathan LA Phillips  
John T.D. Bathke  
Attorneys for Opposer  
SORA TECHNOLOGIES, LLC

#### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing NOTICE OF OPPOSITION was served on the Applicant by mailing a true copy of the same to it and its counsel, by First Class Mail, postage prepaid, on July 13, 2016, in envelopes addressed as follows: Sora Medical Solutions, LLC, 22201 West Innovation Drive in Olathe, Kansas 66061 and Cheryl L. Burbach, HOVEY WILLIAMS LLP, 10801 Mastin Blvd., Suite 1000, Overland Park, Kansas 66210.

/Jonathan LA Phillips/